

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	Case No. 19-52861
JOSE R. VILLAVICENCIO,	:	
	:	Chapter 7
	:	
Debtor.	:	Judge Hoffman

**APPLICATION OF CHAPTER 7 TRUSTEE FOR APPOINTMENT OF
STRIP, HOPPERS, LEITHART, MCGRATH & TERLECKY CO., LPA,
AS ATTORNEYS FOR THE CHAPTER 7 TRUSTEE**

Now comes Myron N. Terlecky, Chapter 7 Trustee herein (the “Trustee”), and hereby represents to the Court as follows:

1. Jose R. Villavicencio filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on May 1, 2019.
2. Myron N. Terlecky is the duly appointed Chapter 7 Trustee herein.
3. The Trustee made a preliminary investigation into the assets and affairs of the Debtor. As a result of this investigation, it is his opinion that it is necessary and in the best interest of this bankruptcy estate and its creditors that counsel be employed to assist the Trustee in the various legal problems that are now evident in the administration of the assets of this estate and in any other legal matters that may arise during the course of the Trustee’s duties.
4. The Trustee believes that counsel will be needed to assist and represent the Trustee in the investigation and liquidation of assets; to prepare all motions, applications, answers, orders, reports and other legal documents on behalf of the Trustee; to participate in certain hearings and examination of the Debtor or others; to dispose of assets of the estate; to collect by legal proceedings, if necessary, all amounts owed to the estate and to pursue any actions that may be

prosecuted by the Trustee; to properly transfer the title to any asset sold; and, to pursue all other matters which may become known to the Trustee in the future.

5. The Trustee desires to employ Myron N. Terlecky and the law firm Strip, Hoppers, Leithart, McGrath & Terlecky, Co., LPA (the "Law Firm"), to represent the Trustee in all matters pertaining to the administration of this bankruptcy estate. Other attorneys with the Law Firm will serve as "of counsel." The Trustee has previously employed the Law Firm to provide these types of services in other cases in which he has served Trustee, and the Law Firm has performed those services in an efficient and cost effective manner.

6. The Law Firm will charge for its legal services on the basis of its regular hourly rates, which are subject to adjustment from time to time, and for its out of pocket expenses and disbursements normally charged to its regular clients. The customary and proposed hourly rates for compensation for the personnel expected to be employed in this matter are as follows:

Myron N. Terlecky	\$300.00
John W. Kennedy	\$275.00

These rates are less than the hourly rate that the Law Firm charges its regular clients.

7. The Trustee believes, and Mr. Terlecky represents as set forth on the attached Affidavit, that the Law Firm, as required by 11 U.S.C. 327(a), does not hold or represent an interest adverse to the bankruptcy estate and is a disinterested person, and is neither related to nor connected with a judge of the District Court or Bankruptcy Court for the Southern District of Ohio. The Trustee believes that the Law Firm is a "disinterested person" as required by 11 U.S.C. 327 and 101(14).

8. The Trustee states that the Law Firm has not received any fees for a period one year prior to the Petition Date through the time of filing of the Application. The Law Firm received no retainer. Such disclosures are made pursuant to LBR 2014-1(b).

9. To the best of the Trustee's knowledge, the Law Firm and its members are neither (a) employed by or connected with the Debtor or with any person having interest adverse to the Trustee, or to the bankruptcy estate; nor (b) have are neither (a) employed by or connected with the Debtor or with any person having an interest adverse to the Trustee, or to the bankruptcy estate; nor (b) have any past or present relationship with the Debtor, any insiders or affiliates of the Debtor, or any creditor or equity security holder of the Debtor or the attorney or accountant for any of them, the United States Trustee, or any person employed in the Office of the United States Trustee.

10. The Trustee proposes to employ the Law Firm because of its experience in providing legal representation in bankruptcy matters and to bankruptcy trustees.

Based upon the foregoing, the Trustee respectfully requests that the Court issue an Order authorizing the Trustee to employ Strip, Hoppers, Leithart, McGrath & Terlecky, Co., LPA, and Myron N. Terlecky, particularly, on the terms and conditions set forth in this Application, and that the Court grant such other and further relief as is appropriate.

Respectfully submitted,

/s/ Myron N. Terlecky
Myron N. Terlecky (0018628)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
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Columbus, OH 43215
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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
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JOSE R. VILLAVICENCIO,	:	
	:	Chapter 7
	:	
Debtor.	:	Judge Hoffman

AFFIDAVIT OF MYRON N. TERLECKY

I, Myron N. Terlecky, being first duly cautioned and sworn, state as follows:

1. I am an Attorney with the law firm Strip, Hoppers, Leithart, McGrath & Terlecky, Co., LPA (the “Law Firm”), the law firm named in the foregoing *Application of Chapter 7 Trustee for Appointment of Strip, Hoppers, Leithart, McGrath & Terlecky Co, LPA, as Attorneys for the Chapter 7 Trustee*. I am competent to provide the services as proposed in the Application.

2. I have read the Application and I agree to and approve all of the terms and conditions therein.

3. Neither I nor any entity with which I am connected (a) is employed by or connected with the Debtor, or with any person having any interest adverse to the Trustee, or to the bankruptcy estate; (b) have any past or present relationship with the Debtor, any insiders, or affiliates of the Debtor, or any creditor or equity security holder of the Debtor, or the attorney or accountant for any of them, the United States Trustee, or any person employed in the Office of the United States Trustee. Accordingly, I do not hold or represent an interest adverse to the bankruptcy estate.

4. I am a disinterested person within the meaning of the 11 U.S.C. 327 and 101(14).

5. I have represented bankruptcy trustees, including the Trustee herein, in other cases.

The Trustee has informed me that, in his opinion, it would be in the best interest of the bankruptcy estate, and is necessary, to employ an attorney.

6. The customary and proposed hourly rates for compensation for the personnel expected to be employed in this matter are as follows:

Myron N. Terlecky	\$300.00
John W. Kennedy	\$275.00
Paralegal (Probate)	\$125.00

These rates are less than the hourly rate that the Law Firm charges its regular clients.

7. My proposed employment is not prohibited by, or improper under, Bankruptcy Rule 5002, and no understanding or agreement exists for a division of fees or compensation between me and any entity with which I am connected, except among the shareholders of the Law Firm.

8. Neither I nor any entity with which I am affiliated is an officer or employee of the judicial branch of the United States or the United States Department of Justice.

9. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Myron N. Terlecky
Myron N. Terlecky

Sworn to before me and subscribed in my presence by Myron N. Terlecky, this 17th day of June 2019.

Original Signature in Possession of Trustee
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICATION OF CHAPTER 7 TRUSTEE FOR APPOINTMENT OF STRIP, HOPPERS, LEITHART, MCGRATH & TERLECKY CO., LPA, AS ATTORNEYS FOR THE CHAPTER 7 TRUSTEE was served (i) **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in the case at the email addresses registered with the Court and (ii) by **ordinary U.S. mail**, postage prepaid, on June 17, 2019, to those parties listed below:

Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, OH 43215

Matthew J. Thompson
Nobile & Thompson Co., LPA
4876 Cemetery Road
Hilliard, OH 43026

Jose R. Villavicencio
P.O. Box 32185
Columbus, OH 43232

/s/ Myron N. Terlecky
Myron N. Terlecky